

Z. Seth Griswold
Wyoming State Bar Number 7-5809
Assistant United States Attorney
District of Wyoming
P.O. Box 668
Cheyenne, WY 82003
(307) 772-2124
Seth.Griswold@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN LUCAS HEIBECK,

Defendant.

Docket No. 22-CR-144-S

GOVERNMENT’S NOTICE OF INTENT TO OFFER EXPERT TESTIMONY

The United States of America hereby submits its notice of intent to offer expert testimony. Fed. R. Crim. P. 16(a)(1)(G). The United States reserves the right to further supplement this notice.

SPECIAL AGENT GARY SEDER, WYOMING DIVISION OF CRIMINAL INVESTIGATION

Qualifications: Gary Seder is a Wyoming DCI Special Agent stationed in Cheyenne, Wyoming. SA Seder has been employed in this capacity since March 2022 and possesses over 30 years of law enforcement experience. In his current capacity, SA Seder is responsible for conducting state and federal investigations related to technology-facilitated crimes; conducting certified computer forensic examinations on digital equipment; serving and executing arrest and search warrants; and developing criminal cases for presentation in both state and federal venues. SA Seder SA Seder’s qualifications are further detailed in his curriculum vitae, attached hereto as *Exhibit 1*.

SA Seder has authored no publications within the past ten years and has not testified as an expert at trial or by deposition within the past four years. Fed. R. Crim. P. 16(a)(1)(G)(iii).

Summary of Testimony: SA Seder will provide background information—both in general and specific to this case—regarding how child exploitation investigations are conducted. SA Seder would explain that it is common for child pornography distributors to store contraband on personal electronic devices and make illicit content available to other internet users through various file-sharing interfaces. Specifically, he is expected to testify about the peer-to-peer (P2P) file sharing technology encountered in this case and how P2P platforms are often used to exchange child pornography. He will further discuss hash values, which are unique identifiers tied to digital media, and the role hash values play in determining whether known child pornography is being hosted by a specific computer on a peer-to-peer file sharing network. A signed written summary further detailing SA Seder’s anticipated testimony is attached as *Exhibit 2*.

INVESTIGATOR DANIEL BROWN, WYOMING DIVISION OF CRIMINAL INVESTIGATION

Qualifications: Daniel Brown is a Wyoming DCI Digital Forensics Investigator stationed in Cheyenne, Wyoming. As part of Investigator Brown’s duties with DCI, he conducts forensic analysis of computer evidence obtained during various investigations and operations.

Investigator Brown began working with DCI as an intern in January 2021 before transitioning to full-time employment in his current capacities during August 2022. He has accumulated over 1,000 hours of experience processing and analyzing digital forensic evidence. Investigator Brown has multiple certifications associated with digital forensics, including certifications in Griffey DI Pro, osTriage, SQLitePrimer, and advanced digital forensic analysis

in Microsoft Windows. He also possesses experience utilizing various Cellebrite tools, useful for extracting and viewing information contained on cellular devices.

Prior to joining DCI, Investigator Brown became a Certified PC Technician through Gillette Community College in Gillette, Wyoming, and completed the Law Enforcement Administrative Program through Fox Valley Technical College in Cheyenne, Wyoming. Investigator Brown is presently completing a bachelor's degree in Computer Forensics and Digital Investigation through Champlain College in Burlington, Vermont, and is expected to graduate in spring 2023.

Investigator Brown has authored no publications within the past ten years and has not testified as an expert at trial or by deposition within the past four years. Fed. R. Crim. P. 16(a)(1)(G)(iii).

Summary of Testimony: Investigator Brown would testify about his role in this case's investigation and his opinions reached based on that investigation. Specifically, he would testify as to his investigation, preservation, and retrieval of digital information, cloud storage accounts, and email accounts attributed to the Defendant, in addition to the digital devices seized from the Defendant. Investigator Brown would testify regarding the procedures used to preserve and analyze data contained in the Defendant's accounts and devices with an emphasis upon the forensic download and extraction of that data, particularly via software such as Griffeye and Cellebrite. Further, Investigator Brown would discuss data preservation procedures, his analytical procedures, and how he reached conclusions regarding the content associated with the specific offenses charged in this case. A more complete statement of all opinions to which Investigator Brown will

testify is contained in the reports authored by him and provided to defense counsel through discovery.

/s/ Daniel Brown

INVESTIGATOR DANIEL BROWN
WYOMING DIVISION OF CRIMINAL INVESTIGATION

FORENSIC EXPERT FROM CELLEBRITE ADVANCED SERVICES

Cellebrite is a digital intelligence company that provides software and other tools useful in the collection, analysis, and review of digital data. Although DCI possesses Cellebrite software, along with extensive relevant knowledge and capabilities, one Samsung SM-N975U smartphone seized in this matter was inaccessible without Cellebrite Advanced Services' specialized hands-on analysis. The United States thus anticipates calling a currently unidentified digital forensics expert employed by Cellebrite Advanced Services in Parsippany, New Jersey.

In general, the Cellebrite analyst would be expected to testify as to the retrieval, preservation, and storage of digital information contained on the Samsung device at issue here. The analyst would likely provide information regarding the application of advanced extraction procedures to cellular devices in general, and how the analyst applied those principles in this case. The analyst would further opine that, even with advanced extraction procedures, the device data's integrity is preserved. Further information regarding this analyst's identity, their qualifications, and their anticipated testimony will be provided via a forthcoming supplemental filing.

Respectfully submitted this 27th day of December 2022.

NICHOLAS VASSALLO
Acting United States Attorney

By: /s/ Z. Seth Griswold
Z. SETH GRISWOLD
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2022, the foregoing was filed via CM/ECF and thereby served upon counsel for the Defendant.

/s/ Hunter J. Davila
UNITED STATES ATTORNEY'S OFFICE